

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

BRANDON K. THRASHER,

Plaintiff,

v.

**FORT WORTH POLICE
DEPARTMENT, NORTHLAKE
POLICE DEPARTMENT, and
DENTON COUNTY SHERIFF'S
OFFICE AND DEPARTMENT,**

Defendants.

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Civil Action No.: 4:20-cv-350-SDJ-KPJ

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 14, 2020, the Magistrate Judge entered proposed findings of fact and recommendations (the "Report") (Dkt. #48) that Defendant Denton County Sheriff's Office and Department's Motion to Dismiss (Dkt. #25) be granted, and Defendant Northlake Police Department's Motion to Dismiss (Dkt. #29) be granted in part and denied in part.

The Report was mailed to Plaintiff Brandon K. Thrasher via certified mail on December 15, 2020, but was returned as undeliverable (Dkt. #52). Local Rule CV-11(d) concerns changes of address:

Notices will be sent only to an e-mail and/or mailing address on file. A *pro se* litigant must provide the court with a physical address (i.e., a post office box is not acceptable) and is responsible for keeping the clerk advised in writing of his or her current physical address.

LOCAL RULE CV-11(d).

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Accordingly, Denton County Sheriff's Office and Department's Motion to Dismiss (Dkt. #25) is hereby **GRANTED**, as Plaintiff has failed to state a claim upon which relief can be granted.


Northlake Police Department's Motion to Dismiss (Dkt. #29) is hereby **GRANTED IN PART** and **DENIED IN PART** as follows:

Northlake Police Department's Motion is **GRANTED** as to dismissal of Plaintiff's claims, as Plaintiff has failed to state a claim upon which relief can be granted;

Northlake Police Department's Motion is **DENIED** as to Northlake Police Department's request to count dismissal "as a strike" pursuant to 28 U.S.C. § 1915(g); and

Northlake Police Department's Motion is **DENIED** as to costs and attorneys' fees pursuant to 42 U.S.C. § 1988.

So ORDERED and SIGNED this 10th day of February, 2021.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE